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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,345	12/27/2000	Masato Shimakawa	450100-02918	5389

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NEW YORK, NY 10151

EXAMINER

JACKSON, JAKIEDA R

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 09/04/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,345

Applicant(s)

SHIMAKAWA ET AL.

Examiner

Jakieda R Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on 27 December 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to because of the following informalities:
 - The word -Back- is misspelled is "Bach" (page 15, 3rd paragraph).
 - The description of the related art does not give a description of prior art.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-6 and 9-11** are rejected under 35 U.S.C. 102(e) as being is anticipated by Sadakuni (U.S Patent No. 6,446,056).

Regarding **claim 1,10 and 11** Sadakuni discloses Interactive artificial intelligence, hereinafter referenced as a "speech synthesizing apparatus, method and recording medium". Sadakuni clearly shows this speech synthesizing apparatus, method and recording medium including all the limitations cited in claim 1. Sadakuni's speech synthesizing apparatus, method and recording medium comprise of a behavior planning unit (Figure 1, element 7), which reads

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on the claimed "behavior state", an emotion-generating unit (Figure 1, element 3), which reads on the claimed "emotion state", selecting means for selecting control information according to at least one of the states and synthesizing means for synthesizing a speech signal (column 2, lines 9-19). The method in **claim 10** and the recording medium in **claim 11** are inherent.

Regarding **claim 2**, Sadakuni's speech synthesizing apparatus, method and recording medium includes at least one of a segment-data ID, a syllable-set ID, a pitch parameter, a parameter of intensity of accent, a parameter of intensity of phrasify, and an utterance-speed parameter (utterance speed parameter, Figure 13, element 50).

Regarding **claim 3**, discloses a speech synthesizing apparatus method and recording medium with detecting means for detecting external conditions (Figure 3, step a and column 9, lines 10-19).

Regarding **claim 4**, Sadakuni's speech synthesizing apparatus, method and recording medium has holding means for holding individual information (column 6, line 32 and column 5, lines 31-43).

Regarding **claim 5**, Sadakuni's speech synthesizing apparatus, method and recording medium discloses counting means for counting elapsed time (column 4, lines 20-42)

Regarding **claim 6**, Sadakuni's speech synthesizing apparatus, method and recording medium comprise of at least one of the number of accumulating means for accumulating the number of times the behavior and emotion state changes (column 2, 14-19 and lines 58-61).

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Regarding **claim 9**, Sadakuni discloses a speech synthesizing apparatus method and recording medium that is a robot (column 1, lines 48-51 and column 18, lines 6-7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sadakuni in view of Rivers (U.S. Patent No. 5,615,301).

Regarding **claim 7**, Sadakuni's discloses a speech synthesizing apparatus, method and recording medium, but lacks comprising substituting means for substituting words included in the text. Rivers discloses substituting means (Figure, element 9), for substituting words included in the text (recognized language, Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sadakuni's speech synthesizing apparatus method and recording medium for the purpose of translating the text into a language familiar to the user.

6. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sadakuni in view of Holm et al. (U.S. Patent No. 6,260,016).

Regarding **claim 8**, Sadakuni discloses a speech synthesizing apparatus method and recording medium, but lacks the converting means for converting the style of the text. Holm et al. discloses converting means for converting the style (prosody) of the text (column 1, lines 29-44). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sadakuni's speech synthesizing apparatus method and recording medium for the purpose of supplying the system with requisite information concerning the number of syllables and stress patterns that fit the given emotion.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to speech apparatus's in general:

U.S. Patent Number 6,243,680 to Gupta et al. teaches generating entries for a speech recognition dictionary.

U.S. Patent Number 5,848,389 to Asano et al. discloses a speech translating system.

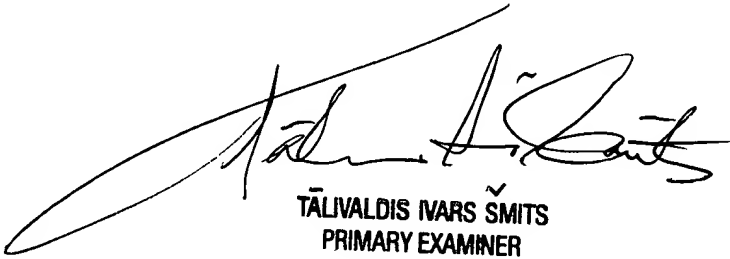
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 703.305.5593. The examiner can normally be reached on Monday through Friday from 7:30 a.m to 5:00p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703.305.4827. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.9600.

JRJ
August 26, 2003



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER